

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10326 of 2019

Arising Out of PS. Case No.-124 Year-2018 Thana- RUPAULI District- Purnia

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Birendra Yadav @ Birendra Prasad Yadav, aged about 40 years, Gender-Male,
Son of Sushil Yadav @ Nageshwar Yadav Resident of Village - Laxmipur
Girdhar, P.S- Rupauli (A), Dist-Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha

For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-02-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

Petitioner is seeking anticipatory bail in connection
with Rupauli (A) P.S. Case No. 124 of 2018 registered for the
offences punishable under Sections 363, 364, 379 and 120
(B)/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that
according to the First Information Report wife of the informant
was taken away on 24th June, 2018 but the F.I.R has been lodged
after a specific delay of 17 days on 11.07.2018. The petitioner
and the informant both are co-villagers and if it is a case of
abduction of the wife of the petitioner it should have been
reported to the police. The fact that the wife of the informant is



aged about 35 years and she has herself filed a petition in the learned Court below stating that due the quarrel taking place with her husband she had left the house on her free will and there is no involvement of any person in her abduction, now it is a fit case for grant of anticipatory bail to the petitioner.

On the other hand, learned APP for the State has opposed the prayer for anticipatory bail as according to him this petitioner had taken away the wife of the informant and her statement has not been recorded under Section 164 Cr.P.C till date.

In the given facts and circumstances, the parties are co-villagers, the informant has lodged this F.I.R after 17 days of the alleged date of occurrence and that his wife has filed a petition that she has left her house on her own will, in case of arrest or surrender of the petitioner within a period of four weeks from today, the abovenamed petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-1st, Purnea in connection with Rupauli (A) P.S. Case No. 124 of 2018, subject to the condition that petitioner shall join the investigation by reporting to the Investigating Officer within a period of two weeks from



today and shall cooperate in course of investigation. This will be
in addition to condition prescribed under Section 438(2) of the
Cr.P.C.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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